

In re Patent Application of:

ROY

Serial No. 10/777,871

Filed: February 12, 2004

/

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Examiner is also thanked for properly withdrawing the previous non-statutory subject matter rejection. The Examiner is also thanked for the courtesies extending during the telephonic interview of February 9, 2011, during which the current claim rejections were discussed, and wherein the Examiner agreed that claim amendments made along the lines herein would define over the prior art. Support for the amendments can be found in paragraph 0123, of Applicant's specification, for example. Dependent Claims 4, 15, 21, 26, and 31 have been cancelled for consistency. No new matter has been added.

I. The Claimed Invention

The present invention, as recited in amended independent Claim 1, for example, is directed to a communications system including a plurality of mobile wireless communications devices. Each of the plurality of mobile wireless communications devices includes a respective software client using at least one of a plurality of different operating protocols as configuration commands and instructions for accessing electronic mail (email) to send at least one access request. The communications system also includes a plurality of email data storage devices for storing email data files. Each email data file is associated with a respective mobile wireless communications device, and each email data file has a unique identification (UID) associated therewith. Each email data storage device also uses at least one

In re Patent Application of:

ROY

Serial No. 10/777,871

Filed: February 12, 2004

/

of the plurality of different operating protocols.

The communications system also includes a protocol interface device including a protocol converter module for communicating with the respective software client of each of the plurality of mobile wireless communications devices using respective operating protocols thereof. The protocol interface device also includes a protocol engine module for communicating with the plurality of email data storage devices using respective operating protocols thereof.

The protocol engine module is also for initiating, at a first time, polling of the email data storage devices for UIDs of email data files stored thereon to maintain a UID list, and for cooperating with the protocol converter module to provide the UID list to the respective software client of each of the plurality of mobile wireless communications devices upon receiving access requests therefrom. The UID list is provided by the protocol engine module independent of respective ones of the email data files so that the respective ones of the email data files are to be retrieved at a second time different from the first time based upon the UID list. The protocol engine module also initiates polling for a given one of the plurality of mobile wireless communications devices without initiated configuration commands and instructions from the software client thereof, and irrespective of communications with the given mobile wireless communication device.

Amended independent Claims 12 and 18 are directed to related protocol interface devices. Moreover, amended independent Claim 24 is directed to a related method, and amended

In re Patent Application of:

ROY

Serial No. 10/777,871

Filed: **February 12, 2004**

independent Claim 29 is directed to a related non-transitory computer-readable medium. Independent Claims 12, 18, 24, and 29 have been amended similar to amended independent Claim 1.

II. The Amended Claims Are Patentable

The Examiner rejected independent Claims 1, 12, 18, 24, and 29 over a combination of Hoglund et al., Horstmann et al., and Bern et al. Hoglund et al. is directed to a communications system for transmitting signals from a first communication device to a second communication device at a user specified real time and/or a polled transmission. More particularly, Hoglund et al. discloses a wireless messaging service that allows users to transmit and/or receive email and other messages on a real-time basis via an email account associated with the wireless communications device. Users can also check email messages stored within a separate POP or IMAP email account.

The Examiner correctly recognized that Hoglund et al. fails to disclose the protocol engine module also initiating polling for a given one of the plurality of mobile wireless communications devices without initiated configuration commands and instructions from the software client thereof, and irrespective of communications with the given mobile wireless communication device. The Examiner turned to Horstmann et al. for some of these critical deficiencies. Horstmann et al. is directed to a communications server that collects messages from two or more email sources and presents them to a user from a single location. The messages may be forwarded to a mobile device and formatted for that receiving device.

In re Patent Application of:

ROY

Serial No. 10/777,871

Filed: February 12, 2004

/

The Examiner further correctly recognized that even a selective combination of Hoglund et al. and Horstmann et al. fail to disclose the UID list being provided by the protocol engine module independent of respective ones of the email data files. The Examiner turned to Bern et al. for this critical deficiency. Bern et al. is directed to a system that provides email services to mobile stations connected to a digital radio network.

Independent Claims 1, 12, 18, 24, and 29 have been amended along the lines discussed in the telephonic interview to recite, "the protocol module also for initiating, at a first time, polling of said email data storage devices... so that the respective ones of the email data files are to be retrieved at a second time different from the first time based upon the UID list." Applicant submits, and the Examiner agreed, that even a selective combination of the prior art fails to disclose "the protocol module also for initiating, at a first time, polling of said email data storage devices... so that the respective ones of the email data files are to be retrieved at a second time different from the first time based upon the UID list." Accordingly, amended independent Claims 1, 12, 18, 24, and 29 are patentable.

It is submitted that independent amended Claims 1, 12, 18, 24, and 29 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

In re Patent Application of:

ROY

Serial No. **10/777,871**

Filed: **February 12, 2004**

CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

→ → SL →

DAVID S. CARUS
Reg. No. 59,291
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
407-841-2330
407-841-2343 fax